

Serial No. 09/917,784
HP 30960134-1 US
Page 23

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

A copy of EP 0 942 427 is attached in response to the Examiner's request.

The title is amended to read, "DATA TRANSFER DEVICE AND METHOD HAVING ALIGNED TRANSFER ELEMENTS," which is descriptive and clearly indicative of the invention to which the claims are directed.

Applicants acknowledge that claims 30-39, 50, and 51 are allowed and claims 10 and 43 are allowable.

To expedite prosecution, independent claim 1 is amended to incorporate the allowable subject matter of claim 10, and claims 40 is amended to incorporate the allowable subject matter of claim 43 and intervening claim 42.

Claims 12 and 40 are amended to address the informalities noted on page 2 of the Office Action. Regarding the objection that there is insufficient antecedent basis for "the channels" in claim 51, a multi-channel recording medium inherently has channels. Claim 51 defines "channels of the medium" and previously defined "a multi-channel medium." Consequently, the objection to claim 51 should be withdrawn.

Serial No. 09/917,784
HP 30960134-1 US
Page 24

Claims 12 and 14 are amended to comply with the requirements of 35 U.S.C. §112, second paragraph. Accordingly, the rejection of claims 12-22 as being indefinite is moot and should be withdrawn.

Since this rejection has been overcome and there is no art-based rejection against these claims, Applicants will proceed on the basis that claims 12-22 are now considered to be allowed.

Claims 1-9, 11, 23-29, 40-42, 44-49, and 52-61, as pending, are not anticipated under 35 U.S.C. §102(b) by Kosuge (U.S. 5,353,176).

Independent claims 1, 23 and 57 have been amended to overcome the rejection based on Kosuge. In particular, claims 1 and 23 now require the first and second transfer elements to be aligned with each other in the direction of travel, in use, of the data storage element relative to the data transfer elements. Claim 41, now an independent claim, includes a similar limitation.

Claims 11 and 23 also require the first data transfer elements to be arranged to read data from a portion of the storage element at a different time to that at which the second data transfer element is arranged to read data from said portion of the data storage element.

Claim 57 now requires the first and second transfer heads to be aligned with each other in the direction of travel, in use, of

Serial No. 09/917,784
HP 30960134-1 US
Page 25

the data carrier relative to the data transfer heads. Claim 57 also includes the requirement for the first head to be arranged to read data from the data carrier and the second head to be arranged to subsequently read data from the data carrier.

Kosuge is concerned with a machine for reproducing magnetic recording data which were recorded on different types of magnetic tape by using different standards. The data are recorded on elongated tracks of the tape. In the Japanese standard, the tape is 12.7 mm wide and includes 18 elongated tracks, each having a width of 0.540 mm. In the United States standard, the tape is 12.65 mm wide and includes 36 elongated tracks, each having a width of 0.285 mm. If read heads for the Japanese standard are aligned they are misspaced and misaligned for the United States standard.

Kosuge deals with this problem by having read heads that are offset from each other in the direction of travel of the tape so the coverage areas of the read heads in the direction of travel of the tape do not overlap as shown, for example, in each of FIGS. 2, 3A-3C and 5B and discussed in column 5, lines 39, through column 6, line 3, and column 80, lines 3-39, of Kosuge.

Thus, Kosuge fails to include the previously discussed limitations of claims 1, 23, 41, and/or 57. One of ordinary skill in the art would not modify Kosuge to include the previously discussed

Serial No. 09/917,784
HP 30960134-1 US
Page 26

limitations of claims 1, 23, 41, and/or 57 because such modification would be completely contrary to Kosuge's object of providing a machine for reproducing magnetic recording data which are recorded on different types of magnetic tape by using different standards.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.


Applicants hereby request a one-month extension of time in which to file this reply. Please charge the required fee of \$110 to Deposit Account No. 08-2025. If in error, the Commissioner is hereby authorized to charge any omitted required fees, including application processing, extension, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,
Nigel Kevin RUSHTON et al.

By:


Allan M. Love, #19,641

Customer No. 22879
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
703-684-1111 telephone
970-898-0640 telecopier
AML:rk

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON THE DATE SHOWN BELOW
Roseanna Kaplan
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION
 11-2-04
SIGNATURE DATE
703-872-9306
FACSIMILE NUMBER